

Please Direct All Correspondence to Customer Number **20995**

TRANSMITTAL LETTER

Applicant : DiPoto, et al.
App. No : 10/686,063
Filed : October 15, 2003
For : CANNULA FOR RECEIVING SURGICAL
INSTRUMENTS
Examiner : Unknown
Art Unit : 3731

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 19, 2006

(Date)

Sabing H. Lee, Reg. No. 43,745

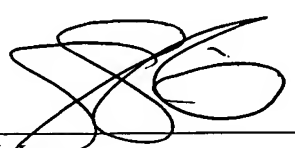
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) A *Petition To Correct Inventorship Under 37 C.F.R. §§ 1.48(c)*, including: (1) A statement from Alan Shluzas that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his part; (2) A declaration by the actual inventors, namely, Alan Shluzas and Gene DiPoto, as required by 37 C.F.R. § 1.63; and (3) Establishment of Right of Assignee to Take Action, Consent of Assignee Under 37 C.F.R. § 1.48(c), and Revocation and Power of Attorney with copy of Assignment;
- (X) Check in the amount of \$130; and
- (X) Return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.



Sabing H. Lee
Registration No. 43,745
Attorney of Record
Customer No. 20,995
(949) 760-0404

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : DiPoto, et al.
Appl. No. : 10/686,063
Filed : October 15, 2003
For : CANNULA FOR RECEIVING
SURGICAL INSTRUMENTS
Examiner : Unknown
Group Art Unit : 3731

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

1-19-06

(Date)

Sabing H. Lee, Reg. No. 43,745

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §§ 1.48(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully requests that Alan Shluzas be added as a joint inventor in the above-captioned application.

Pursuant to 37 C.F.R. § 1.48(c), Applicants have enclosed herewith:

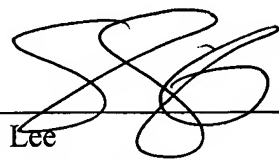
- (1) A statement from Alan Shluzas that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his part;
- (2) A declaration by the actual inventors, namely, Alan Shluzas and Gene DiPoto, as required by 37 C.F.R. § 1.63;
- (3) An establishment of the right of the assignee to take action, consent of the assignee and revocation and power of attorney with copy of assignment; and
- (4) The fee set forth in § 1.17(i).

Appl. No. : 10/686,063
Filed : October 15, 2003

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1-19-06

By: _____

Sabing H. Lee
Registration No. 43,745
Attorney of Record
Customer No. 20,995
(949) 760-0404

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ENDIUS.027CPC1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	DiPoto, et al.
Appl. No.	:	10/686,063
Filed	:	October 15, 2003
For	:	CANNULA FOR RECEIVING SURGICAL INSTRUMENTS
Examiner	:	Unknown
Group Art Unit	:	3731

STATEMENT OF ALAN SHLUZAS

Hon. Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

I, Alan Shluzas, do declare as follows:

1. I am a citizen of the United States of America residing at 297 Temple Street, #302, West Roxbury, MA 02132.
2. I am one of the inventors of the subject matter claimed in the above-referenced patent application which was filed on October 15, 2003, listing Gene DiPoto as inventor.
3. I believe that I, Alan Shluzas, should also be named as an inventor, that the change in inventorship is necessitated by amendment of the claims, and that the inventorship error occurred without deceptive intention on my part.

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

Dated: 04/07/2005

Alan Shluzas



ENDIUS.027CPC1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	DiPoto, et al.
Appl. No.	:	10/686,063
Filed	:	October 15, 2003
For	:	CANNULA FOR RECEIVING SURGICAL INSTRUMENTS
Examiner	:	Unknown
Group Art Unit	:	3731

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION,
CONSENT OF ASSIGNEE UNDER 37 C.F.R. § 1.48(c), AND
REVOCATION AND POWER OF ATTORNEY

Hon. Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment from both Gene DiPoto and the added inventor, Alan Shluzas, to the Assignee is enclosed herewith. This Assignment represents the entire chain of title of this invention from the inventors to the Assignee. I have reviewed this Assignment, and to the best of the Assignee's knowledge and belief, the Assignee is the owner of the entire right, title and interest in the above-referenced application.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby consents to the change in inventorship adding Alan Shluzas in the above-captioned application.

The undersigned also hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer**

Appl. No. : 10/686,063
Filed : October 15, 2003

No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

ENDIUS, INC.

Dated: 1/16/2006

Gene P. DiPoto
Gene P. DiPoto

Title: VP, Engineering

Address: 23 West Bacon Street,
Plainville, MA 02762

1520279_1
011306

Application No.: 10/686,063
Filing Date: October 15, 2003

COPY

PATENT
Client Code: ENDIUS.027CPC1
Page 1

ASSIGNMENT

WHEREAS, We, Gene P. DiPoto, a United States citizen, residing at 23 Crockett Road, Upton, MA 01568, Alan E. Shluzas, a United States Citizen, residing at 297 Temple Street, #302, West Roxbury, MA 02132, have invented certain new and useful improvements in a CANNULA FOR RECEIVING SURGICAL INSTRUMENTS for which we have filed an application for Letters Patent in the United States, Application No. 10/686,063, Filed on October 15, 2004;

AND WHEREAS, ENDIUS, INC. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 23 West Bacon Street, Plainville, MA 02762, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16 day of January, 2006

Gene P. DiPoto
Gene P. DiPoto

STATE OF Massachusetts }
COUNTY OF Norfolk } ss.

On Jan 16, 2006, before me, Notary Alice George, personally appeared Gene P. DiPoto personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.
[SEAL]

Notary Alice George
Notary Signature

Application No.: 10/686,063
Filing Date: October 15, 2003

PATENT
Client Code: ENDIUS.027CPC1
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16 day of January, 2006

Alan E. Shluzas
Alan E. Shluzas

STATE OF Massachusetts }
COUNTY OF Norfolk } ss.

On Jan 16, 2006, before me, Rita Alice George personally appeared Alan E. Shluzas personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Rita Alice George
Notary Signature

2289791
011308

**DECLARATION - USA PATENT APPLICATION**

As below named inventors, we hereby declare that:

Our residence, mailing address and citizenship are as stated below next to our name.

We believe we are the original, first and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled CANNULA FOR RECEIVING SURGICAL INSTRUMENTS; the specification of which was filed on **October 15, 2003** as Application Serial No. **10/686,063** and was amended on March 31, 2005.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Patent No.: **6,524,320**
Application No.: **10/361,887**

Filing Date: **May 15, 2001**
Filing Date: **February 10, 2003**

Status: **Issued**
Status: **Pending**

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

1. Full name of inventor: **Gene P. DiPoto**

Inventor's signature

Gene P. DiPoto

Date

April 7, 2005

Residence: **23 Crockett Road, Upton, MA 01568**

Citizenship: US

Mailing Address: 23 Crockett Road, Upton, MA 01568

2. Full name of inventor: Alan E. Shluzas

Inventor's signature Alan E. Shluzas

Date 04/07/2005

Residence: 297 Temple Street, #302, West Roxbury, MA 02132

Citizenship: US

Mailing Address: 297 Temple Street, #302, West Roxbury, MA 02132

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995